IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

OP.No. 23250 of 2002(P)

PETITIONER:

MINI M. ABRAHAM, JR. LECTURER,
DEPARTMENT OF ENGLISH, BHARAT MATHA COLLEGE,
THRIKKAKARA.

BY ADV. SRI.BABU VARGHESE
SRI.K.JAYAKUMAR (RAVIPURAM)

RESPONDENTS:

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1. THE MANAGER, BHARAT MATHA COLLEGE
THRIKKAKARA.

2. THE STATE OF KERALA REPRESENTED
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF COLLEGIATE
EDUCATION, VIKAS BHAVAN, P.M.G. JUNCTION,
TRIVANDRUM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

BY GOVERNMENT PLEADER, SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P. NO.39750 OF 2002 IN O.P.No. 23250 OF 2002

DISMISSED.

SD/-
18.7.07. THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE APPOINTMENT ORDER ISSUED IN FAVOUR OF THE PETITIONER DATED 1.9.1995.

EXT. P2: COPY OF THE G.O.(MS) NO.76/90.H.EDN. DATED 23.3.90.

EXT. P3: COPY OF GOVERNMENT LETTER NO.15247/F2/95 H.EDN. DT. 30.6.1995.

EXT. P4: COPY OF THE G.O.(MS) NO.30/96/H.EDN. DT.12.2.1996.

EXT. P5: COPY OF THE G.O.(MS) NO.171/97 H.EDN. DATED 8.12.1997.

EXT. P6: COPY OF THE COMMUNICATION SENT BY THE 2ND RESPONDENT DATED 18.2.99 DIRECTING THE 3RD RESPONDENT TO GRANT APPROVAL TO THE APPOINTMENT OF THE PETITIONER.

EXT. P7: COPY OF THE APPOINTMENT ORDER ISSUED IN ACCORDANCE WITH GOVERNMENT DIRECTION DATED 5.3.1999.

EXT. P8: COPY OF THE PROPOSAL SENT BY THE PRINCIPAL DATED 15.3.1999 FOR GRANTING APPROVAL TO THE APPOINTMENT OF THE PETITIONER.

EXT. P9(A): COPY OF THE LETTER SENT BY THE MANAGER TO THE 2ND RESPONDENT SEEKING CLARIFICATION REGARDING REJOINING OF THE PETITIONER DT. 21.8.1998.

EXT. P9(B): COPY OF THE LETTER SENT BY THE PRINCIPAL TO THE 6TH RESPONDENT SEEKING ADVICE REGARDING THE REJOINING OF THE PETITIONER DATED 23.9.1998.

EXT. P10: COPY OF THE B.ED. DEGREE CERTIFICATE DATED 16.4.1998 ISSUED IN FAVOUR OF THE PETITIONER.

EXT. P11(A): COPY OF THE STATE ELIGIBILITY CERTIFICATE DATED 2.8.2000 ISSUED IN FAVOUR OF THE PETITIONER.

EXT. P11(B): COPY OF THE NATIONAL ELIGIBILITY CERTIFICATE ISSUED TO THE PETITIONER.

EXT. P12: COPY OF THE ORDER DATED 19.5.2001 PASSED BY THE 4TH RESPONDENT.

EXT. P13: COPY OF JUDGMENT IN O.P.No. 24674/2001 DATED 20.8.2001.

EXT. P14: COPY OF THE APPROVAL FOR THE APPOINTMENT OF THE PETITIONER WITH EFFECT FROM 9.11.1998 VIDE ORDER NO.A3-7630/98 DT. 10.4.2002.

EXT. P15: COPY OF CERTIFICATE DATED 11.8.1998 ISSUED BY PRINCIPAL BHARATA MATA COLLEGE, THRIKKAKARA.

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.23250 OF 2002

Dated this the 18th day of July, 2007

JUDGMENT

The case of the petitioner is that she had discharged her duties and responsibilities as a teacher pursuant to Ext.P1 appointment, however, that her salaries for the period from 1.9.1995 to 18.7.1996 has not been disbursed. She relies on Ext.P5 to state that the Deputy Director of Collegiate Education is duty bound to decide on her claim and release the salaries. On the strength of the decisions of this Court, it is argued on behalf of the petitioner that she, having worked and contributed labour in the post, is entitled to be paid emoluments. Under such circumstances, the 4th respondent is directed to take up the case of the petitioner and consider her appointment in terms of Ext.P1 and issue a decision finally within a period of 45 days from the date of receipt of a copy of this judgment.

The writ petition is allowed leaving open the other contentions.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.23250 OF 2002

JUDGMENT

18TH JULY, 2007.

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